

1. Claims 1, 4, 15, 16, 18, 73, 74, 76-85 are pending in the current application.
2. This application claims benefit of U.S. Provisional Application 60/511,697 filed October 15, 2003.

Title

The title has been changed by the examiner to “Pyridyl-azabicyclo[3.3.1]nonane and Pyridyl-azabicyclo[3.3.1]nonene nicotinic acetyl choline receptor modulators”

Examiner’s Amendment

An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner’s amendment was given in a telephone interview with Ms. Amy Fix on January 8, 2008.

The application has been amended as follows:

In claim 1 after the words A compound of

Delete “Formulas”

Insert – Formula-.

In claim 80 after the word 80.

Delete “ A compound”

In claim 82 after the words A pharmaceutical composition comprising

Delete “ an effective amount of ”

In claim 82 after the words a compound of claim 1

Insert –and a pharmaceutically acceptable carrier-

In claim 83 after the words A pharmaceutical composition comprising

Delete “ an effective amount of ”

In claim 83 after the words a compound of claim 79

Insert –and a pharmaceutically acceptable carrier-

In claim 84 after the words A pharmaceutical composition comprising

Delete “an effective amount of a compound of claim 80”

Insert – a compound of claim 81 and a pharmaceutically acceptable carrier-

In claim 85 after the words A pharmaceutical composition comprising

Delete “ an effective amount of a compound of claim 81”

Insert –the compound of claim 81 and a pharmaceutically acceptable carrier-

The following is an examiner's statement of reasons for allowance: The claims have been amended to represent generic claims that are for the most part enabled. The closest prior art compounds are pyridyl-azabicycloheptanes, as can be found in U.S. patent 5,583,140 and others, however they do not teach or suggest the genus of azabicyclo[3.3.1]nonanes azabicyclo[3.3.1]nonenes nor any of the species claimed here. Thus the instant application presents a new ring system associated with nAChR activity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1, 4, 15, 16, 18, 73, 74, 76-85 are allowable. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID K. O'DELL whose telephone number is (571)272-9071. The examiner can normally be reached on Mon-Fri 7:30 A.M.-5:00 P.M EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary examiner, Rita Desai can be reached on (571)272-0684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/

Primary Examiner, Art Unit 1625

D.K.O.

Application/Control Number: 10/711,969
Art Unit: 1625

Page 5